

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

After entry of the foregoing amendment, Claims 1-8 and 25-31 are presently active and Claims 9-24 are withdrawn from consideration. Claims 1-8 and 25 are amended; and new Claims 26-31 are added by the present amendment.¹ No new matter is added.

In the outstanding Office Action, Claim 5 was rejected under 35 U.S.C. 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; and Claims 1-4, 6-8, and 25 were rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 6,421,047 to De Groot in view of U.S. Patent No. 6,219,045 to Leahy et al. (hereinafter "Leahy").

Regarding the rejection of Claim 5 under 35 U.S.C. 112, second paragraph, Claim 5 is amended and Claim 26 is added to remove the alternative language (i.e., "or") from Claim 5 in view of a telephone discussion conducted between Examiner Fischetti and Applicant's representative on December 7, 2004. Accordingly, Applicant respectfully requests that the rejection of Claim 5 under 35 U.S.C. 112, second paragraph, be withdrawn.

Addressing now the rejection of Claims 1-4, 6-8, and 25 under 35 U.S.C. 103(a) as unpatentable over De Groot in view of Leahy, that rejection is respectfully traversed.

Amended Claim 1 is directed to a community service offering apparatus for exchanging information with a plurality of user terminals connected by a network. The apparatus includes, *inter alia*:

virtual space information storing means for storing, in advance, virtual space information specifying types of virtual spaces to be offered for selection;

¹ For support, see claims as originally filed; and Specification, at Figure 12 and the corresponding description.

charge controlling means for charging said first user a fee based on the specified type of said user-specific virtual space.

The outstanding Office Action cites De Groot as teaching the virtual space information storing means and the virtual space offering means.

The Action further cites Leahy's world object 66, as described at col. 15, lines 4-15, as teaching the charge controlling means. However, the cited passage merely suggests that the world object 66 periodically initiates a “collection of *statistics on usage*” for billing. Further, the phrase “collection of statistics on usage” indicates the statistics merely refer to user traffic. There is no indication that the “statistics on usage” are employed to charge a fee based on a type of virtual space specified in advance of an offer of that space for selection as recited in Claim 1 or any claim depending therefrom.

Each of independent Claims 25, 27, and 31 also recites a storing, in advance, virtual space information specifying types of virtual spaces offered for selection; and a charging of a fee based on the specified type of said user-specific virtual space. Claims 2-8, 26, and 28-30 depend directly or indirectly from Claims 1 and 27.

Accordingly, for the above reasons, Applicant respectfully requests that the rejection of Claims 1-4, 6-8, and 25 under 35 U.S.C. 103(a) as unpatentable over De Groot in view of Leahy be withdrawn; and respectfully submits that Claims 26-38 are patentable over De Groot in view of Leahy.

Applicants note that dependent Claims 3, 5, 26, and 28-30 recite further virtual space information stored in advance of the offer for selection; and recite that the fee is further based on the additional virtual space information. More particularly, Claims 3 and 28 each recite the virtual space information as further specifying a maximum number of other users who can gain access simultaneously to the user-specific virtual space. Claims 5 and 29 each recite the virtual space information as further specifying a maximum number of objects that can be allocated to the user-specific virtual space. Claims 26 and 30 each recite the virtual space

information as further specifying limited types of objects that can be allocated to the user-specific virtual space. As such further virtual space information (nonetheless such virtual space information stored in advance of an offer for selection) does not read on Leahy's "statistics on usage", Applicant respectfully submits that the more detailed aspects of Claims 3, 5, 26, and 28-30 further distinguish over De Groot in view of Leahy.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Scott A. McKeown
Registration No. 42,866

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

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